

SUPERIOR COURT
THURSTON COUNTY, WA

2015 APR 29 PM 1:13

Linda Myhra Enlow
Thurston County Clerk

**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THURSTON COUNTY**

STATE OF WASHINGTON,

Plaintiff,

NO. 15-1-00575-1

vs.

DANIEL RAY TINDALL,

Defendant.

CERTIFICATION OF PROBABLE CAUSE

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

1. I am a Deputy Prosecuting Attorney for Thurston County, Washington and I am familiar with the
14 police reports and investigation conducted in this case;
- 15 2. Based upon information provided through that investigation there is probable cause to believe that
the defendant committed the crime(s) of TAMPERING WITH PHYSICAL EVIDENCE AND
16 RENDERING CRIMINAL ASSISTANCE IN THE SECOND DEGREE, supported by the following
facts and circumstances:

17 On 04-03-15, Detective Lindros from Olympia PD was assigned a follow up investigation
reference an attempted arson. While reviewing the case file he found that the reporting party Stephen
18 Owens had been a victim of three additional incidents prior to the attempted arson. Owens had reported
one suspicious circumstance (sign left on vehicle) and two acts of malicious mischief (tire slashing) prior
to the arson attempt on his registered vehicle. During those three incidents patrol officers were unable to
recover anything of evidentiary value form the scene. After spending over \$1500 on tire replacements,
19 Owens purchased a home surveillance system. After installing the system, Owens was able to capture
video of a male subject inserting a wood stick and paper into the vehicle's gas tank, and lighting if on fire.
Owens later observed the vehicle's gas door open, a wood stick stuffed into the fill tube, and charred
20 paper around the mouth of the fill tube. During the initial arson investigation patrol officers were again
unable to identify anything of evidently value at the scene but were provided with the surveillance video
of the incident. Two days after the attempted arson, Owens reported a fifth incident which he was also
21 able to capture on his surveillance system. During the fifth incident Owens reported that what appeared to
be the same male subject from the arson returned to the residence, placed a sign on the vehicle and
attempted to slash or puncture the driver's side front tire. Owens indicated that he had interrupted the
suspect prior to any damage and noted that the suspect was last seen running in the direction of
Washington Middle School. During the initial investigation, patrol officers were again unable to identify
22 anything of evidentiary value from the scene other than the surveillance video. During a review of the
surveillance videos that Owen provided the following suspect description was identified: a white male,

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1 early to late teen, 5'5" – 6', 130-170lbs (extremely skinny), large nose, distinct walk / run last seen
2 wearing: dark colored motorcycle jacket, light colored pants, dark shoes with light soles

3 After reviewing the case file and videos it was also determined that there was a possible link
4 between the suspect and Owens' daughter who was identified as Christina (Lucy) Owens. During one of
5 the police contacts, Owens indicated that the male suspect depicted in the video was possibly a classmate
6 of his daughter whom she had recent friendship problems with. Prior to interviewing the daughter, the
7 responding patrol officer responded to her school identified as Avanti Alternative High School. During
8 his contact at the school, the patrol officer completed interviews with three subjects who were identified
9 as Lucy Owens, Kailolu Okena and Wyatt Tindall.

10 Lucy stated that based on the video from her residence she believed that the suspect depicted was
11 Tindall. Lucy indicated that Tindall had been seen driving by her residence recently and yelling at her
12 residence. Lucy was friends with Tindall but decided recently that she didn't want to be friends with him
13 anymore because he was "Crazy."

14 Okena, Tindall's best friend, provided some information and confirmed he heard Tindall talking
15 about "doing something with a car" and Lucy's name in the same conversation. Tindall stated that he had
16 dated Lucy for about a month and a half but she decided to stop speaking with him recently. Tindall
17 admitted to texting her regularly because he cared for her and wanted to see her. Tindall indicated that he
18 had never done anything to Lucy, her family or their vehicles and had no clue who could have committed
19 those crimes.

20 On 04-08-15, Off. Lindros was able to re-contact and interview Owens and his daughter Lucy at
21 their residence in Olympia. Lucy stated that she believed the suspect seen in the video was her former
22 friend, Wyatt Tindall. Lucy had been friends with Tindall for approximately six months. During that time,
23 she indicated that the two regularly spent time together with a third friend she identified as Kai Okena.
During the friendship with Tindall, Lucy described him as "crazy" and "psychotic" at times. While unable
to articulate the actions that lead her to describe Tindall in that manner she continued to describe him as
commonly "creeping people out" and acted like a "serial killer in the making" with his emotions. Lucy
indicated that once she decided to stop being friends with him, Tindall began driving past her residence
and texting her one or two times daily with large paragraph style texts. Lucy stated that all text messages
from Tindall had been deleted once she had received them. Lucy said after reviewing the videos with her
father, she immediately believed the male subject on the video was Tindall. Prior to completing the
interview, Lucy indicated that of the five male friends who know where she lives, Tindall is the only
male who matches the description of the suspect, the only male who has an issue with her and the only
male she believed to have a personality to commit or even attempt the crimes.

24 On 04-14-15, Off. Lindros re-contacted Kailolu B. Okena (06/17/97) and his mother Sunny Y.
25 Okena (02/07/69). During the contact which occurred at the Olympia PD, Kailolu advised that he attends
Avanti High School and his best friend is Wyatt Tindall. Kailolu indicated that Wyatt and he had started
hanging out with Lucy Owens a few months into the school year. Kailolu stated that recently Lucy and
Wyatt had stopped talking and appeared to have an issue with each other about a relationship or lack
thereof. After the two stopped talking, Kailolu indicated that Wyatt became obsessed with Lucy and
would commonly walk or drive past her residence on regular basis. Kailolu stated that while he noticed
Wyatt was obsessed with Lucy, he didn't find it concerning due to the fact they commonly talked about
their recent relationship problems. Kailolu indicated that he too had recently had a breakup which caused
him anger and he and Wyatt would talk about ways to get revenge on Lucy and his girlfriend. Kailolu said
the two talked about slashing tires, leaving notes, flaming bags and burning cars but he believed the
conversations to be only hypothetical and a common way teenagers release stress and anger.

26 Kailolu indicated that while he did not remember specific dates, he knew that Wyatt had left a
note on Lucy's family car in early March and had slashed the same vehicle's tires during a separate
incident. Kailolu said he had knowledge of the two incidents because Wyatt had spoken with him about it
in person and had chatted with him on Facebook instant messenger where they commonly talk. While

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1 Kailolu again was unable to remember the exact date, he indicated that he accompanied Wyatt on one of
2 the incidents where Lucy's father chased the two from the residence. Kailolu indicated that while sleeping
3 over at Wyatt's residence, Wyatt asked him if he wanted to go over to Lucy's residence. Kailolu stated
4 that he knew Wyatt was going to do something at the residence but decided to go with his friend during
5 the early morning hours. Kailolu indicated that he watched as Wyatt grabbed a hat (Ski Style) cut into a
6 mask, sunglasses, a folding knife and some paper towels. While walking to Lucy's residence, Kailolu said
7 Wyatt pulled a sign/stick (Advertisement Sign) from the ground and the two carried it the entire way.
8 After reaching Lucy's residence by way of Washington Middle School, Kailolu said he stayed about two
9 blocks away as Wyatt approached the residence with sign in hand and mask and sunglasses covering his
10 face. After a minute or so passed, Kailolu said he heard a male voice yelling from Lucy's house and
11 noticed Wyatt running. Although Wyatt had been confronted by the homeowner, Kailolu said the two
12 were able to flee the area on foot and back to Wyatt's residence.

13 After confirming knowledge of Wyatt's criminal activity, Kailolu was asked if he had seen the
14 video surveillance footage from Lucy's residence. Kailolu indicated that he had seen the video on
15 Facebook and knew immediately that the male suspect was his friend Wyatt. Kailolu indicated that he
16 knew it was his friend by his physical description, actions and clothing which matched what he witnessed
17 Wyatt wearing during the night he had accompanied him to the residence. When asked about the video of
18 the arson specifically, Kailolu indicated that the male subject looked similar and was in similar clothing
19 but stated he was unable to positively identify the suspect as Wyatt. Although unable to positively
20 identify Wyatt, Kailolu indicated that Wyatt had admitted to the fire, tire slashing and the notes on some
21 of the Facebook conversations with him. Once the taped statement with Kailolu was completed he
22 voluntarily opened his Facebook account and showed Off. Lindros a text section listed as coming from
23 Wyatt Tindall. The section of text messages contained approximately 1400 messages all from the
Facebook page listed as Wyatt Tindall. While browsing the messages, Off. Lindros was able to confirm
the posts came from Wyatt as there were numerous video messages where Wyatt wanted Kailolu to see
his face.

During the viewing, Off. Lindros was able to complete some video footage, photos and screen shots of the obvious posts that were pertinent to the investigation. Some of the screen shots read as follows: Wyatt to Kailolu: "Mom and Dad came and got me before play practice was over. Apparently the cops talked to them. My mom and dad found my mask and coat. They hid them but my dad wanted to go to the cops. My mom convinced him otherwise. If I'm convicted I could go to jail for 7 years minimum" Wyatt to Kailolu: "They were getting worked up as fuck over the fact I didn't feel remorse. To late. The cop told them what you said. And then I told them you came the last time. Not the fire one though." Kailolu to Wyatt: "What were the videos? That he sent your folks." Wyatt to Kailolu: "Sorry. Had to do something. It showed me walking up and setting the shit on fire the first time. Hat on. All that. Second one showed me setting the sign. About to shank the tire. Then running. Wyatt to Kailolu: "My parents are right though. You can kinda tell from my movements in the video. If you know me well enough."

In addition to the above text messages, there was an attachment photo of the initial magazine cut out letter which found by the victim during the initial incident. While discovering the admissions, Off. Lindros also located multiple messages where Wyatt referred to the fact that he wouldn't go to jail without a fight. How he was going to fight the cops and try to take one of their guns. In addition to planning for a confrontation by a police officer(s) Wyatt also reference the fact that he was carrying a "blade" with him to school every day so if he was called to the office he could "whip it out" and do business.

After speaking with Okena, Off. Lindros used a law enforcement database and physical surveillance to confirm the primary residence of the Tindall family to include Wyatt. While surveilling the residence, not only was he able to identify two vehicles in the driveway as registered to the Tindall family, but he was also able to observe Wyatt and his father Daniel exit the residence.

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1 On 04-15-15, Off. Lindros applied for and was granted a search warrant for 1613 7th Ave SE in
2 Olympia (Tindall Residence) by the Honorable Judge Hirsch of the Thurston County Superior Court. On
3 04-16-15, Off. Lindros served the same warrant at the residence and contacted Daniel Tindall (Father),
4 Mellissa Tindall (Mother) and Wyatt Tindall. While law enforcement completed the search, Detective.
5 Lindros interviewed each subject.

6 Daniel Tindall admitted to knowledge of the crime. He admitted to seeing the video surveillance
7 of the crimes and he admitted to confronting his son about the video, which Daniel had been provided on
8 or about 3/27/15 by law enforcement, and about which Daniel never re-contacted law enforcement prior
9 to Lindros serving the search warrant on his home. He refused to answer any additional questions when
10 confronted about the belief that he had recovered and disposed of evidence (clothing) in an attempt to
11 delay or hinder the ongoing investigation. After the interview was completed upon his request, Daniel's
12 cell phone was seized as evidence pending a search warrant application, which was granted on 4/28/15.
13 The phone (Black iPhone 5) was turned off and placed in temporary evidence pending execution of the
14 search warrant. Daniel did not want to turn over his cell phone and after being asked for it but prior to
15 having it taken from him by law enforcement, he was observed pushing buttons on the phone.

16 Mellissa Tindall refused to speak with Det. Lindros until she was able to contact her husband in
17 person. Mellissa was released from the scene, contacted her husband and never attempted to re-contact
18 Lindros about a statement. Prior to being released from the scene, Mellissa's cell phone was seized as
19 evidence. Mellissa indicated that she needed her cell phone for work and wanted to comply in any way so
20 she may retain her cell phone. Mellissa was provided with a consent to search form reference the cell
21 phone which she completed. The cell phone was placed in airplane mode and delivered to Detective
22 Fayette for processing.

23 Following Miranda warnings, Wyatt admitted to all five incidents at the victim residence. He
24 further admitted to being confronted by his parents who watched the video surveillance and then located
25 the jacket and mask he was seen wearing in the video. During the confrontation, Wyatt indicated that he
26 admitted the crimes to his parents and a decision was made to get rid of the evidence (clothing) Wyatt
27 was seen wearing in the video. At one point, Wyatt indicated that his father was going to throw the
28 clothing in the trash but was spooked by a male subject who walked past the house and looked like a
29 police officer. Wyatt indicated that his father told him that people could go through the trash and locate
30 the clothing so he and Mellissa suggested that the clothing be transported to a secondary family residence
31 in Winthrop, WA. Wyatt stated that during a family trip, the clothing, to include the jacket and mask worn
32 during the crime, were hidden in the Winthrop residence. Wyatt was unable to provide the address of the
33 residence but indicated that it was located on Hwy 20. Wyatt was able to draw a picture of the interior of
34 the residence and a location where the clothing should be located.

35 After speaking with all involved subjects, Det. Lindros contacted the search team at the 7th Ave
36 address and was informed that the clothing items listed in the search warrant had not been located. With
37 confirmation that the clothing was still outstanding, Det. Lindros conducted a computer search of police
38 databases and located a residence in Winthrop. The residence was found registered to Mellissa Tindall
39 (Mother) and identified as 18525 Hay 20 in Winthrop just as Wyatt had described. In addition to the
40 computer database search, Lindros was able to contact Okanogan Sheriff's Office who put him in touch
41 with a deputy who knows the residence and the family. During that conversation, the deputy also
42 confirmed that the identified residence belonged to Daniel and Mellissa Tindall and further stated that
43 they were surprised to see the family in the area approximately week before.

44 On 04-16-15, Off. Lindros applied for and was granted a telephonic search warrant for the
45 address of 16525 Hwy 20 Winthrop, WA 98862 by the Honorable Judge Price of the Thurston County
46 Superior Court. On the same date Detective Winner, Sergeant Costello and Off. Lindros responded to the
47 residence and served that warrant. During the service the following items were located: dark-colored
48 leather jacket (match to surveillance video); dark shoes with light base (match to surveillance video);

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1 ashes and debris from wood stove (possible remnants of the mask from the surveillance video). The shoes were also located in a burn box near the wood stove.

Following the service of the search warrant at the Winthrop residence in the late evening hours of 4/16/15, Melissa Tindall called the Olympia Police Department on the morning of 4/17/15 and stated she was aware that a search warrant on the Winthrop home had been served and described the manner of service as the officers "broke in," thereby indicating someone provided her a description of the manner of the unannounced search of the home.

5 Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to the best of my knowledge.

Signed and dated by me this 25 day of April, 2015, at Olympia, Washington.

~~HEATHER STONE, WSBA# 42093~~
Deputy Prosecuting Attorney

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